



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2254

DATE SCANNED 11/2/11

SCANNER NO. 2

SCAN OPERATOR ESS

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *me* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *OR in*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER  
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE  
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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## Reason to Believe Circulation Report

2010 OCTOBER QUARTERLY - Not Election Sensitive 10/15/2010 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2212	C00458745	ANDRE WILLIAMS FOR CONGRESS	WILLIAMS, ANDRE LEWIS	DAVID EVERETT MARKO	\$375,326	0	10/28/2010	13	\$51,704	\$1,402
2213	C00474049	CARLINEO FOR CONGRESS	CARLINEO, GLORIA	GLORIA CARLINEO CAROL	\$181,423	0	12/7/2010	Not Filed	\$44,000	\$990
2214	C00463950	CHERYLE JACKSON FOR U S SENATE	JACKSON, CHERYLE	STANLEY-ROBBINS	\$1,651,208	0		Not Filed	\$330,242 (est)	\$8,800
2215	C00480434	CHUCK FLUME FOR CONGRESS	FLUME, CHARLES WILLIAM SR.	BRUCE BLOCH	\$102,330	0		Not Filed	\$51,165 (est)	\$2,970
2216	C00477869	CLARK VANDEVENTER FOR CONGRESS 2010	VANDEVENTER, CLARK	CLARK VANDEVENTER	\$187,791	0		Not Filed	\$62,597 (est)	\$2,970
2218	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	DIERDRE K SCOZZAFAVA	\$762,971	1		Not Filed	\$254,324 (est)	\$11,000
2219	C00465773	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	DEON LONG	\$252,205	0		Not Filed	\$84,088 (est)	\$3,850
2220	C00460220	DICK KELSEY FOR CONGRESS	KELSEY, RICHARD FRANKLIN	JOHN B BARRETT	\$530,198	0		Not Filed	\$88,366 (est)	\$3,850
2222	C00463265	ETHAN HASTERT FOR CONGRESS COMMITTEE	HASTERT, ETHAN ALLEN	LARRY NELSON	\$1,247,146	0		Not Filed	\$249,429 (est)	\$7,150
2223	C00481184	FRIENDS OF ROSS BIELING	BIELING, ROSS PARKER	ROSS PARKER BIELING	\$385,138	0	10/22/2010	7	\$112,696	\$1,535
2224	C00479006	HERRMANN FOR CONGRESS	HERRMANN, THOMAS A	FRANK J DEMILO CPA	\$1,207,368	0		Not Filed	\$402,456 (est)	\$9,900
2225	C00461970	JAY FLEITMAN FOR CONGRESS COMMITTEE	FLEITMAN, JAY SCOTT	MARY LOU STUART	\$286,236	0	10/22/2010	7	\$60,174	\$907
2226	C00473819	JIM HOLT CAMPAIGN COMMITTEE	HOLT, JIM	MARC MILLSAP	\$295,537	0		Not Filed	\$73,884 (est)	\$2,970
2229	C00477703	KEVIN POWELL FOR CONGRESS 2010	POWELL, KEVIN	LLOYD COLONA	\$349,015	0		Not Filed	\$116,338 (est)	\$4,950
2231	C00463273	LOWRY FOR CONGRESS	LOWRY, ROBERT PAUL	ROBERT PAUL LOWRY	\$127,909	0		Not Filed	\$25,582 (est)	\$990

AFID	Committee ID	Committee Name	PV	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2232	C00483149	LUIS MEURICE FOR CONGRESS COMMITTEE		MEURICE, LUIS	BERNARD A BECKER	\$184,913	0	10/28/2010	11	\$57,453	\$1,237
2233	C00446468	LYNCH FOR CONGRESS		LYNCH, EDWARD J	EDWARD LYNCH	\$223,336	4	12/3/2010	Not Filed	\$33,155	\$1,980
2234	C00479907	MARK FRENCH FOR CONGRESS		FRENCH, MARK TODD	KATHLEEN CARRELL FRENCH	\$103,782	0		Not Filed	\$34,594 (est)	\$990
2235	C00475095	MATTHEW BURKE FOR CONGRESS		BURKE, MATTHEW	BURKE, JENNIFER	\$100,517	0	11/2/2010	18	\$3,344	\$115
2236	C00423202	MIKE GRAVEL FOR PRESIDENT 2008		GRAVEL, MIKE	MIKE GRAVEL	\$288,073	5		Not Filed	\$48,012 (est)	\$2,227
2237	C00463406	MORGAN FOR CONGRESS		MORGAN, VINCENT SCOTT	HON RD SNYDEN	\$152,791	0	11/17/2010	Not Filed	\$34,665	\$250
2238	C00480715	MULLEN FOR CONGRESS		MULLEN, WESLEY MARTIN	STUART WAYNE MCMAHEN	\$101,296	0		Not Filed	\$33,765 (est)	\$990
2239	C00481069	MYERS 4 CONGRESS		MYERS, TERRY LON	SARAH ANNE LORANG	\$258,044	0	11/5/2010	21	\$87,347	\$2,750

2241	C00461343	PHILLIP BRUTUS FOR CONGRESS		BRUTUS, PHILLIP J	CAMELIA SIGUINEAU	\$151,182	0		Not Filed	\$30,236 (est)	\$990
2242	C00473595	RICHARD LAKE FOR CONGRESS		LAKE, RICHARD DAVID GEORGE	TERRANCE BRADLEY	\$101,188	0		Not Filed	\$33,729 (est)	\$990
2243	C00468264	SCOTT TAYLOR FOR CONGRESS		TAYLOR, SCOTT W	ITHIEL HARLEY THOMAS IV	\$137,491	0		Not Filed	\$27,498 (est)	\$990
2244	C00468934	SCOTT WALLACE FOR US CONGRESS		WALLACE, SCOTT	MAUREEN RUGGIERO	\$273,613	0		Not Filed	\$68,403 (est)	\$2,970
2245	C00463497	SHADWICK FOR CONGRESS		SHADWICK, MONTE	JAMES A LAMBERT	\$157,091	0		Not Filed	\$39,273 (est)	\$990
2246	C00473512	SHELDON GOLDSTEIN FOR CONGRESS		GOLDSTEIN, SHELDON	JUSTIN MOORE	\$176,204	0		Not Filed	\$35,241 (est)	\$990
2247	C00471516	SIAS FOR CONGRESS		SIAS, LANGHORNE C	CORY DICKSON	\$356,280	0		Not Filed	\$89,070 (est)	\$3,850
2248	C00467712	SINGH FOR CONGRESS		SINGH, NAVRAJ	TIMOTHY J DAVIS	\$417,659	1		Not Filed	\$104,415 (est)	\$6,187
2249	C00467761	SUE LOWDEN FOR U S SENATE		LOWDEN, SUE	BOB BEERS	\$8,068,867	0	10/22/2010	7	\$42,982	\$340
2250	C00476432	TIM WOOLDRIDGE FOR CONGRESS		WOOLDRIDGE, TYMOTHE (TIM) LYNN	CHARLES R PARTLOW	\$1,107,167	0	11/22/2010	Not Filed	\$19,501	\$550
2251	C00469892	TORRES FOR CONGRESS 2010		TORRES, ENRIQUE RAUL	THOMAS FREER	\$129,870	0		Not Filed	\$32,468 (est)	\$990
2252	C00477844	WADE FOR DELAWARE		WADE, KEVIN LYNN	HARRY SKILTON	\$135,364	0		Not Filed	\$67,682 (est)	\$2,970
2253	C00471433	WILL BOYD FOR US SENATE		BOYD, WILLIE WILL EUGENE JR	WILLIE "WILL" BOYD JR	\$131,829	0	10/23/2010	8	\$16,581	\$150
2254	C00464594	YOLLY ROBERSON FOR CONGRESS		ROBERSON, YOLLY	KERLYNE COTARD	\$466,393	0		Not Filed	\$93,277 (est)	\$3,850

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2010 )  
October Quarterly Report (Non-Election )  
Sensitive) for the Administrative Fine )  
Program: )  
MATTHEW BURKE FOR CONGRESS, ) AF# 2235  
and BURKE, JENNIFER as treasurer; )  
ANDRE WILLIAMS FOR CONGRESS, ) AF# 2212  
and DAVID EVERETT MARKO as )  
treasurer; )  
LUIS MEURICE FOR CONGRESS ) AF# 2232  
COMMITTEE, and BERNARD A )  
BECKER as treasurer; )  
WILL BOYD FOR US SENATE, and ) AF# 2253  
WILLIE "WILL" BOYD JR as treasurer; )  
FRIENDS OF ROSS BIELING, and ) AF# 2223  
BIELING, ROSS PARKER as treasurer; )  
JAY FLEITMAN FOR CONGRESS ) AF# 2225  
COMMITTEE, and MARY LOU STUART )  
as treasurer; )  
  
SUE LOWDEN FOR U S SENATE, and ) AF# 2249  
BOB BEERS as treasurer; )  
CARLINEO FOR CONGRESS, and ) AF# 2213  
CARLINEO, GLORIA as treasurer; )  
CHERYLE JACKSON FOR U S SENATE, ) AF# 2214  
and CAROL STANLEY-ROBBINS as )  
treasurer; )  
CHUCK FLUME FOR CONGRESS, and ) AF# 2215  
BRUCE BLOCH as treasurer; )  
CLARK VANDEVENTER FOR ) AF# 2216  
CONGRESS 2010, and CLARK )  
VANDEVENTER as treasurer; )  
  
DEDE FOR CONGRESS INC, and ) AF# 2218  
SCOZZAFAVA, DIERDRE K as treasurer; )  
DEON LONG FOR CONGRESS, and ) AF# 2219  
DEON LONG as treasurer; )

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DICK KELSEY FOR CONGRESS, and ) AF# 2220  
JOHN B BARRETT as treasurer; )

ETHAN HASTERT FOR CONGRESS ) AF# 2222  
COMMITTEE, and NELSON, LARRY as )  
treasurer; )  
HERRMANN FOR CONGRESS, and ) AF# 2224  
FRANK J DEMILO CPA as treasurer; )  
JIM HOLT CAMPAIGN COMMITTEE, ) AF# 2226  
and MARC MILLSAP as treasurer; )

KEVIN BURNS 4 US SENATE, and ROB ) AF# 2228  
FLINT as treasurer; )  
KEVIN POWELL FOR CONGRESS 2010, ) AF# 2229  
and LLOYD COLONA as treasurer; )  
LOWRY FOR CONGRESS, and ROBERT ) AF# 2231  
PAUL LOWRY as treasurer; )  
LYNCH FOR CONGRESS, and EDWARD ) AF# 2233  
LYNCH as treasurer; )  
MARK FRENCH FOR CONGRESS, and ) AF# 2234  
KATHLEEN CARRELL FRENCH as )  
treasurer; )  
MIKE GRAVEL FOR PRESIDENT 2008, ) AF# 2236  
and MIKE GRAVEL as treasurer; )  
MORGAN FOR CONGRESS, and ) AF# 2237  
SNYDEN, RD HON. as treasurer; )  
MULLEN FOR CONGRESS, and ) AF# 2238  
STUART WAYNE MCMAHEN as )  
treasurer; )

PHILLIP BRUTUS FOR CONGRESS, and ) AF# 2241  
CAMELIA SIGUINEAU as treasurer; )  
RICHARD LAKE FOR CONGRESS, and ) AF# 2242  
BRADLEY, TERRANCE as treasurer; )  
SCOTT TAYLOR FOR CONGRESS, and ) AF# 2243  
ITHIEL HARLEY THOMAS IV as )  
treasurer; )  
SCOTT WALLACE FOR US CONGRESS, ) AF# 2244  
and RUGGIERO, MAUREEN as treasurer; )  
SHADWICK FOR CONGRESS, and ) AF# 2245  
JAMES A LAMBERT as treasurer; )

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SHELDON GOLDSTEIN FOR	)	AF# 2246
CONGRESS, and JUSTIN MOORE as	)	
treasurer;	)	
SIAS FOR CONGRESS, and CORY	)	AF# 2247
DICKSON as treasurer;	)	
SINGH FOR CONGRESS, and TIMOTHY	)	AF# 2248
J DAVIS as treasurer;	)	
TIM WOOLDRIDGE FOR CONGRESS,	)	AF# 2250
and CHARLES R PARTLOW as treasurer;	)	
TORRES FOR CONGRESS 2010, and	)	AF# 2251
THOMAS FREER as treasurer;	)	
WADE FOR DELAWARE, and HARRY	)	AF# 2252
SKILTON as treasurer;	)	
YOLLY ROBERSON FOR CONGRESS,	)	AF# 2254
and KERLYNE COTARD as treasurer;	)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 13, 2010, on the following committees:

AF#2235 Decided by a vote of 6-0 to: (1) find reason to believe that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2212 Decided by a vote of 6-0 to: (1) find reason to believe that ANDRE WILLIAMS FOR CONGRESS, and DAVID EVERETT MARKO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2232 Decided by a vote of 6-0 to: (1) find reason to believe that LUIS MEURICE FOR CONGRESS COMMITTEE, and BERNARD A BECKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2253 Decided by a vote of 6-0 to: (1) find reason to believe that WILL BOYD FOR US SENATE, and WILLIE "WILL" BOYD JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2223 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF ROSS BIELING, and BIELING, ROSS PARKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2225 Decided by a vote of 6-0 to: (1) find reason to believe that JAY FLEITMAN FOR CONGRESS COMMITTEE, and MARY LOU STUART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2249 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2213 Decided by a vote of 6-0 to: (1) find reason to believe that CARLINEO FOR CONGRESS, and CARLINEO, GLORIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2214 Decided by a vote of 6-0 to: (1) find reason to believe that CHERYLE JACKSON FOR U S SENATE, and CAROL STANLEY-ROBBINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2215 Decided by a vote of 6-0 to: (1) find reason to believe that CHUCK FLUME FOR CONGRESS, and BRUCE BLOCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2216 Decided by a vote of 6-0 to: (1) find reason to believe that CLARK VANDEVENTER FOR CONGRESS 2010, and CLARK VANDEVENTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2218 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2219 Decided by a vote of 6-0 to: (1) find reason to believe that DEON LONG FOR CONGRESS, and DEON LONG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2220 Decided by a vote of 6-0 to: (1) find reason to believe that DICK KELSEY FOR CONGRESS, and JOHN B BARRETT as treasurer violated 2 U.S.C.

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434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2222 Decided by a vote of 6-0 to: (1) find reason to believe that ETHAN HASTERT FOR CONGRESS COMMITTEE, and NELSON, LARRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2224 Decided by a vote of 6-0 to: (1) find reason to believe that HERRMANN FOR CONGRESS, and FRANK J DEMILO CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2226 Decided by a vote of 6-0 to: (1) find reason to believe that JIM HOLT CAMPAIGN COMMITTEE, and MARC MILLSAP as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2228 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2229 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN POWELL FOR CONGRESS 2010, and LLOYD COLONA as treasurer violated 2 U.S.C.

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434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2231 Decided by a vote of 6-0 to: (1) find reason to believe that LOWRY FOR CONGRESS, and ROBERT PAUL LOWRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2233 Decided by a vote of 6-0 to: (1) find reason to believe that LYNCH FOR CONGRESS, and EDWARD LYNCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2234 Decided by a vote of 6-0 to: (1) find reason to believe that MARK FRENCH FOR CONGRESS, and KATHLEEN CARRELL FRENCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2236 Decided by a vote of 6-0 to: (1) find reason to believe that MIKE GRAVEL FOR PRESIDENT 2008, and MIKE GRAVEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2237 Decided by a vote of 6-0 to: (1) find reason to believe that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2238 Decided by a vote of 6-0 to: (1) find reason to believe that MULLEN FOR CONGRESS, and STUART WAYNE MCMAHEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2241 Decided by a vote of 6-0 to: (1) find reason to believe that PHILLIP BRUTUS FOR CONGRESS, and CAMELIA SIGUINEAU as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2242 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD LAKE FOR CONGRESS, and BRADLEY, TERRANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2243 Decided by a vote of 6-0 to: (1) find reason to believe that SCOTT TAYLOR FOR CONGRESS, and ITHIEL HARLEY THOMAS IV as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2245 Decided by a vote of 6-0 to: (1) find reason to believe that SHADWICK FOR CONGRESS, and JAMES A LAMBERT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2246 Decided by a vote of 6-0 to: (1) find reason to believe that SHELDON GOLDSTEIN FOR CONGRESS, and JUSTIN MOORE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2247 Decided by a vote of 6-0 to: (1) find reason to believe that SIAS FOR CONGRESS, and CORY DICKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2248 Decided by a vote of 6-0 to: (1) find reason to believe that SINGH FOR CONGRESS, and TIMOTHY J DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2250 Decided by a vote of 6-0 to: (1) find reason to believe that TIM WOOLDRIDGE FOR CONGRESS, and CHARLES R PARTLOW as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2251 Decided by a vote of 6-0 to: (1) find reason to believe that TORRES FOR CONGRESS 2010, and THOMAS FREER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2252 Decided by a vote of 6-0 to: (1) find reason to believe that WADE FOR DELAWARE, and HARRY SKILTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2254 Decided by a vote of 6-0 to: (1) find reason to believe that YOLLY ROBERSON FOR CONGRESS, and KERLYNE COTARD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 17, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 21, 2010

Kerlyne Cotard, in official capacity as Treasurer  
Yolly Roberson for Congress  
850 Ives Dairy Road, P.O. Box T-57, #306  
North Miami Beach, FL 33179

C00464594  
AF#: 2254

Dear Mr. Cotard:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Yolly Roberson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,850. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$3,850 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$93,277  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

Attachment 3

11092672849

committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Yolly Roberson for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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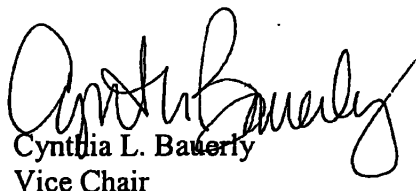
### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Vice Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$3,850 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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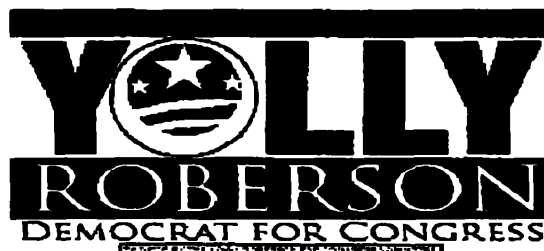
FOR: Yolly Roberson for Congress

FEC ID#: C00464594

AF#: 2254

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$3,850



January 19, 2011

Ms. Cynthia L. Bauerly, Vice Chair  
Federal Election Commission  
Office of the Administrative review  
999 E. Street, NW  
Washington, DC, 20463

RE: C00464594  
AF#2254

Dear Ms. Bauerly:

I am writing to request your reconsideration of the RTB finding and the calculated civil money penalty in connection with the above referenced matter for the following reasons:

Firstly, soon after the 2010 primary election, I was denied access to NGP, the software that I had been using to prepare my campaign reports, because I no longer had the means to pay for the use of the same.

On or about November 4, 2010, I received a call from Mr. Seth L. Kaye, of the Campaign Finance Analysis Division, regarding the filing of an amended pre-primary report. I then advised him of my situation with NGP and my attempt to negotiate a settlement with that company in order to secure access again to the software and file my 2010 October Quarterly Report and the requested amendments. Mr. Kaye suggested that I use the FEC free software from that point on. With the help of some FEC staff, I downloaded the free FEC software but, upon familiarizing myself with it, I realized that it would take me a lot longer to re-input in to that software, the considerable amount of data previously entered in NGP as the two software use different format. As a result, since time was of the essence, I went back to NGP and, at last, was able to reach an agreement with them pursuant to which, I was granted renewed access to NGP in exchange for a payment plan.

Secondly, during my initial conversation with Mr. Kaye, he told me that in order to avoid any sanction by the FEC, from that point on, I had to keep him apprised daily of my progress regarding my negotiations with NGP or my use of the FEC free software. I did. Upon being re-authorized to access NGP, I immediately called him and advised him accordingly. Mr. Kaye reminded me of the necessity, at this point, to immediately prepare the amendment to the 2010 pre-primary report first and then, the amendments to the other previously filed reports. During

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my almost daily conversations with him, he continued to impress on me the necessity for me to communicate to him my progress with regard to the filings of the requested documents and the fact that as long as I comply with his request no action would be taken against me. I did exactly as requested because it was my understanding that until and unless the prior reports were correctly amended, all subsequent reports would be incorrect. In addition, up to that point, any and all communications I have had with the FEC, had been through Mr. Kaye. Having no prior experience with dealing with the FEC, I was totally relieved and grateful to be guided by an FEC staff like Mr. Kaye. Within hours after my access to NGP was restored, I filed the amendment to the pre-primary report and called Mr. Kaye to so inform him. As I continued to work on amending the other previously filed reports, I kept Mr. Kaye posted of my activities at every step in order to comply with his directions and avoid the imposition of any penalty against me, as he assured me.

On or about January 6, 2011, to my surprise, when I returned a telephone call to Ms. Sara Pickle, I learned that, notwithstanding the foregoing, the FEC had entered a findings for money penalty against me and that the written notice thereof had been sent to me by mail. At the time, Ms. Pickle also made it clear that no FEC staff has the authority to make any decision contrary to FEC rules and/or procedures as it relates to the filing requirements of FEC reports. That very afternoon, following my conversation with Ms. Pickle, I filed the 2010 October Quarter Report. Soon thereafter, I filed the original termination report.

Mr. Kaye is a very nice gentleman. I don't believe that he set out to deliberately mislead me but nonetheless, the information he provided me and which I relied on was not correct. I would have at least filed the October Quarterly report long before the entry of the FEC finding.

This election has in essence bankrupted me. My campaign account has been closed for a while and my campaign Committee is not active. I respectfully ask for your reconsideration.

If you have any further question or need additional information, please do not hesitate to call me

Sincerely



Yolly Roberson



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

January 26, 2011

Kerlyne Cotard, in official capacity as Treasurer  
Yolly Roberson for Congress  
850 Ives Dairy Road  
Post Office Box T-57, #306  
North Miami Beach, FL 33179

C00464594  
AF# 2254

Dear Treasurer:

On January 25, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

11092672855

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 JAN 28 A 8 07**

**Date: January 26, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2254**

**Committee Name: Yolly Roberson for Congress**

**Committee ID#: C00464594**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated December 10, 2010 and RTB  
Certification, dated December 15, 2010 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 October Quarterly Report Prior Notice, dated September 21, 2010.**

**-Non-Filer Notice, dated November 4, 2010.**

**-RTB Letter, dated December 21, 2010.**

**Attachment #: 3**

**Other RAD Information: (Y/N): Y**

**Attachment#: 4**

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## Delivery Notification

**Dear Customer,**

**This notice serves as proof of delivery for the shipment listed below.**

**Tracking Number:** 1Z WF5 860 A2 9560 250 2  
**Reference Number(s):** RAD  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 01/10/2011  
**Delivered On:** 01/11/2011 12:00 P.M.  
**Delivered To:** 900 NE 195TH ST  
 408  
 MIAMI, FL, US 33179

**Signed By:**

U SANCHEZ

[illegible]**Location:** RESIDENTIAL

**Thank you for giving us this opportunity to serve you.**

**Sincerely,  
UPS**

**Tracking results provided by UPS: 01/25/2011 4:25 P.M. ET**

## Attachment 1

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## DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Yolly Roberson for Congress:
  - A) Prior Notice, dated September 21, 2010, referencing the 2010 October Quarterly Report (sent via electronic mail to: VICTORY2YR@GMAIL.COM);
  - B) Non-Filer Notice, dated November 4, 2010;
  - C) Reason-to-Believe Letter, dated December 21, 2010, referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Yolly Roberson for Congress filed the 2010 October Quarterly Report with the Commission on January 6, 2011.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 26th day of January, 2011.



Jodi Winship  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES  
PARTIES AND PACS

September 21, 2010

## CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS <sup>1</sup>	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10

## REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS <sup>1</sup>	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General <sup>2</sup>	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

**Congressional Committees:** campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.  
See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

## 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

### **DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY**

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

### **2010 REPORTING SCHEDULE**

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

### **IMPORTANT FILING INFORMATION - PAPER FILERS**

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

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<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The *Record*: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

## CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 4, 2010

RQ-7

KERLYNE COTARD, TREASURER  
YOLLY ROBERSON FOR CONGRESS  
859 IVES DAIRY ROAD P.O. BOX T-57, #306  
NORTH MIAMI BEACH, FL 33179

IDENTIFICATION NUMBER: C00464594

REFERENCE: OCTOBER QUARTERLY REPORT 8/5/2010 - 9/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SHRI PICKARALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

Attachment 3

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10030490098



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 MAR 25 P 3: 53

**SENSITIVE**

March 25, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2254 – Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer (C00464594)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 25, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2254 – Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as  
Treasurer (C00464594)**

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty.

**Reason-to-Believe Background**

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report and made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 21, 2010 of the Commission's RTB finding and civil money penalty. The letter, sent to the address of record, was unclaimed and returned to the Commission; however, copies of the letter sent to alternate addresses were received on January 11, 2011.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on October 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On January 21, 2011, the Commission received the written response ("challenge") from the Candidate, Yolly Roberson, who asks for reconsideration of the RTB finding and fine.<sup>1</sup> The Candidate states that they lost access to their filing software shortly after the primary election because they could no longer pay the provider, NGP. When the RAD Analyst called around November 4 concerning the pre-primary report, the Candidate told him about losing NGP and her efforts to re-establish ties so she could file the October Quarterly Report and the requested amendments. The Analyst suggested they use the Commission's free software, FECFile. With

<sup>1</sup> The respondents sent the challenge via facsimile on January 21, 2011. The identical hard copy was received on January 25, 2011.

the help of Commission staff, she downloaded FECFile, but soon realized it would take too long to enter the data from the prior reports. She decided it was quicker to use NGP so she set up a payment plan and her access to the software was restored.

The Candidate states she was told that if she kept in contact with the Analyst concerning this issue, there would not be any sanctions imposed. She did keep in contact with him regarding her negotiations with NGP and her attempts to use the FECFile software. When she re-established access to NGP, the Analyst told her to file the amended pre-primary report first and then amend any other reports. It was her understanding that unless the prior reports were amended correctly, all subsequent reports would be incorrect.

Around January 6, 2011, another Analyst called about the fine. That same day, she filed the October Quarterly Report. She does not think her Analyst intentionally mislead her, however, he gave her incorrect guidance. Had she known about the potential fine, she would have filed the report sooner. She adds that the committee is no longer active and the campaign left her virtually bankrupt.

#### **Analysis**

The October Quarterly Report was filed on January 6, 2011, 83 days late.

The Candidate says she would have filed the report before the RTB finding had they known a penalty was possible. The respondents were notified on three occasions, once before the due date and twice after the due date, that they must file this report. On September 21, 2010, the Report Notice for the October Quarterly Report was sent via email to "victory2yr@gmail.com," the email address disclosed on their Statement of Organization. On October 16, 2010, one day after the deadline, the Electronic Filing Office ("EFO") sent an email notification to "victory1yr@aol.com," an email address provided by the respondents, stating that they failed to file the report. They were notified again when RAD sent the non-filer letter on November 4.

Both the Report Notice and the non-filer letter explain that the failure to file reports on time may result in civil money penalties. The non-filer letter specifically states that the penalty calculation for late reports does not include a grace period and begins on the day after the report's due date. There is no indication from the RAD telecoms ("written records of telephone conversations"), that the respondents contacted Commission staff about these notifications.

According to RAD's telecoms, the Candidate spoke with RAD staff numerous times from November 2010 through January 2011. The first contact was on November 8 when the RAD Reports Analyst called the Candidate concerning a loan problem on the 12 Day Pre-Primary Report. During the call, the Candidate explained that they no longer had access to NGP's software. The Analyst suggested that she use FECFile, which was available at no cost, and asked that she keep him posted on her progress since the loan issue is subject to further Commission action if left unresolved. On November 10, the Analyst provided the Candidate with specifics on how to use FECFile and referred her to the EFO for further help. The EFO logs

show that the respondents secured a password on November 17 and downloaded FECFile on November 18. EFO staff also provided instructions for rebuilding a data file.

On December 2, the Candidate told the Analyst that she imported their prior reports from the Commission's website into the FECFile software, but she said there is still much to do. She said she worked out a deal with NGP and decided to use it instead of FECFile. The Analyst reminded her that she must amend the 12 Day Pre-Primary Report and file the October Quarterly Report. On December 8, the Analyst helped the Candidate enter transactions on the Amended 12 Day Pre-Primary Report. When the Analyst reminded her of the need to file the October Quarterly Report and amend other previous reports as soon as possible, the Candidate replied that she could not do it all today. On December 10 through 14, there were multiple calls between the Candidate and Analyst regarding the filing of the Amended 12 Day Pre-Primary Report, which was finally filed on December 14, 2010. During these conversations, the Candidate also indicated that she was working on the October Quarterly Report.

The Candidate's next contact was on January 5, 2011, when she returned a call from the RAD Compliance Analyst about the fine. The Candidate said she was currently preparing the October Quarterly Report and thought no fine would be assessed. The Analyst explained that the report was due in October and there are no extensions. The respondents filed the report the next day, January 6, 2011, after the Compliance Analyst provided the Candidate with the report's coverage dates. When they spoke again on January 11, the Candidate said if she knew she would be fined she would have filed incorrect reports. She explained that while working with her Reports Analyst, she found problems in the reports and took the time to fix them. She stated that the fine is unfair because she tried to file correct reports and kept in touch with the Analyst.

On January 11, the Candidate told the RAD Authorized Branch Chief that there was a miscommunication between she and her Reports Analyst. She conceded that he did not tell her it was acceptable to file the October Quarterly Report late, rather he informed her of the need to correct a referable issue on the 12 Day Pre-Primary Report. She said in retrospect she should have filed the October Quarterly Report sooner, even if incorrect, to avoid the fine and then worked on correcting the other issues.

The regulations are clear that the Treasurer shall be personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d). The respondents were advised of their requirement to file the October Quarterly Report on multiple occasions. The report was already 20 days late when the Reports Analyst initially contacted them about the reporting of a loan on their 12 Day Pre-Primary Report. As pointed out by the Assistant Staff Director for RAD in her supplemental response, the Reports Analyst advised the Candidate that if the 12 Day Pre-Primary loan issue was not corrected, it would be referred to the Commission for further action. Additionally, the Branch Chief confirms that the Analyst neither recommended that they delay the filing of the October Quarterly Report nor did he state that they would not be fined for failing to timely file the report. The Candidate acknowledges these facts as well in her January 11 conversation with the Branch Chief.

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Negligence, staff inexperience, failure to use filing software properly, failure to know filing dates, and delays caused by committee vendors are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (she kept in touch with the Analyst, the Committee is no longer active and the Candidate is essentially bankrupt) also do not fall within the list of grounds for challenging enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(d)(3).

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2254 involving Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2254 that Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

#### **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report is due October 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 15, 2010 to be timely filed.
3. It is the practice of the Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this office's practice to maintain an Electronic Filing action on the Commission's web site at <http://www.fec.gov/elect/electron.shtml> for the use of committees and treasurers who are electronic filers.
4. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Page 1 of the Statement of Organization filed by Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer. According to the Commission's records, the document is dated July 23, 2009, was received July 27, 2009, and lists "Victory2yr@GMAIL.COM" as the Committee's email address;
  - b) Page 1 of the Summary Page for the Amended 2010 12 Day Pre-Primary Report electronically filed by Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through August 4, 2010, and was received on December 14, 2010; and
  - c) Page 1 of the Summary Page for the 2010 October Quarterly Report electronically filed by Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from August 5 through September 30, 2010, and was received on January 6, 2011.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 25<sup>th</sup> of March 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092672871

RECEIVED

RECEIVED  
FEC MAIL CENTER

2009 JUL 27 PM 12:00

FEC  
FORM 1STATEMENT OF  
ORGANIZATION

Office Use Only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines.

12FB4M5

YOLLY ROBERSON FOR CONGRESS

ADDRESS (number and street)

900 NE 195th Street #408

(Check if address  
is changed)

MIAMI

FL

33179

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

VICTORY2492@GMAIL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

HTTP://www.victoryforcongress.com

COMMITTEE'S FAX NUMBER

305-770-4347

2. DATE

07 23 2009

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

KERLYNE COYARD

Signature of Treasurer



Date

07 23 2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only				
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For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100FEC FORM 1  
(Revised 12/2007)

FEBANGEL.F01

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29030131450

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Yolly Roberson for Congress

ADDRESS (number and street)

850 Ives Dairy Road



Check if different than previously reported. (ACC)

P.O. Box T-57, #306

North Miami Beach

FL

33179

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00464594

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

FL

17

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

08

24

2010

In the State of

FL

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

In the State of

5. Covering Period

07

01

2010

through

08

04

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Kerlyne Cotard

Signature of Treasurer Electronically Filed by Kerlyne Cotard

Date

08

16

2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (In full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Yolly Roberson for Congress

ADDRESS (number and street)

850 Ives Dairy Road



Check if different than previously reported. (ACC)

P.O. Box T-57, #306

North Miami Beach

FL

33179

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00464594

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

FL

17

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Constitution (12C)



Special (12S)

Election on

In the State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

In the State of

5. Covering Period

08

05

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Ms Kerlyne Cotard

Signature of Treasurer Electronically Filed by Ms Kerlyne Cotard

Date

01

06

2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

11092672874



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

March 28, 2011

Kerlyne Cotard, in her official capacity as Treasurer  
Yolly Roberson for Congress  
850 Ives Dairy Road  
P.O. Box T-57, #306  
North Miami Beach, FL 33179

C00464594  
AF# 2254

Dear Ms. Cotard:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Yolly Roberson for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

cc: Yolly Roberson, Candidate  
Attachment

11092672875



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 APR 13 P 4:44

April 13, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2254 – Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer (C00464594)

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 21, 2011, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 25, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2254 involving Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2254 that Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

11092672877

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation – ) AF 2254  
Yolly Roberson for Congress and )  
Kerlyne Cotard, in her official capacity )  
as Treasurer (C00464594) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 29, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2254:

1. Adopt the Reviewing Officer recommendation for AF# 2254 involving Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2254 that Yolly Roberson for Congress and Kerlyne Cotard, in her official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 29, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092672878



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 3, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kerlyne Cotard, in her official capacity as Treasurer  
Yolly Roberson for Congress  
850 Ives Dairy Road  
P.O. Box T-57, #306  
North Miami Beach, FL 33179

C00464594  
AF# 2254

Dear Ms. Cotard:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Yolly Roberson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,850 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 21, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Yolly Roberson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,850 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 28, 2011.

On April 29, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Yolly Roberson for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,850. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

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which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

cc: Yolly Roberson, Candidate  
Attachment

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,850 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Yolly Roberson for Congress

FEC ID#: C00464594

AF#: 2254

PAYMENT AMOUNT DUE: \$3,850

**ELECTRONIC CERTIFICATION AGREEMENT FOR  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

**This Agreement is submitted by:** Federal Election Commission

**Creditor Agency:** Federal Election Commission

**Date of Agreement:** November 23, 2010

**The Creditor Agency agrees that:**

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- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
  - II. The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
  - III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
  - IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
    1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any change in the amount, validity or legal enforceability of the Debt.
    2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
  - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
  - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
  - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
  - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- e. For Debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).
4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
- i. that the debt is overdue,
- ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
- iii. of the specific information to be disclosed to the consumer reporting agency, and
- iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

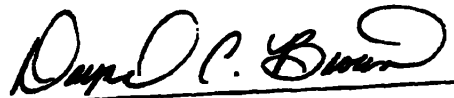
administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2254

DATE SCANNED

11/2/11

SCANNER NO.

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SCAN OPERATOR

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